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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Steven Brewer,  
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11 Petitioner,  
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13 v.  
14 United States of America,  
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16 Respondent.  
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No. CV-19-02026-PHX-NVW (BSB)  
CR-12-01927-02-PHX-NVW

**ORDER AND  
DENIAL OF CERTIFICATE OF  
APPEALABILITY AND IN FORMA  
PAUPERIS STATUS**

18 Before the Court are Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set  
19 Aside or Correct Sentence by Person in Federal Custody (Doc. 1), United States Magistrate  
20 Judge Fine's Report and Recommendation (Doc. 18) and Petitioner's Objection to the  
21 Magistrate's Report and Recommendation (Doc. 19).


22 The Court has considered Petitioner's objections and reviewed the Report and  
23 Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that  
24 the Court must make a de novo determination of those portions of the Report and  
25 Recommendation to which specific objections are made). The Court accepts the magistrate  
26 judge's recommended disposition within the meaning of Rule 72(b), Fed. R. Civ. P., and  
27 overrules Petitioner's objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court  
28 "may accept, reject, or modify, in whole or in part, the findings or recommendations made  
by the magistrate").

IT IS THEREFORE ORDERED that the Report and Recommendation of  
Magistrate Judge Fine (Doc. 18) granting Respondent's Motion to Dismiss Defendant's  
Motion Under 28 U.S.C. § 2255 (Doc. 6) is accepted.

1 IT IS FURTHER ORDERED that Movant's Motion Under 28 U.S.C. § 2255 to  
2 Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. 1) is dismissed  
3 with prejudice.

4 The request for a certificate of appealability is denied because dismissal of the  
5 Motion is justified by a plain procedural bar and reasonable jurists would not find the  
6 procedural ruling debatable.

7 Dated this 16th day of October, 2019.

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11 Neil V. Wake  
12 Senior United States District Judge  
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